

IH-32

Rev: 2014-1

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

TOUCHSTONE STRATEGIC TRUST, TOUCHSTONE
VARIABLE SERIES TRUST, THE WESTERN AND
SOUTHERN LIFE INSURANCE COMPANY,
WESTERN-SOUTHERN LIFE ASSURANCE COMPANY,
WESTERN & SOUTHERN FINANCIAL GROUP, INC., and
INTEGRITY LIFE INSURANCE COMPANY

Plaintiff

Case Number

vs.

GENERAL ELECTRIC COMPANY, JEFFREY R. IMMELT,
JEFFREY S. BORNSTEIN, JAMIE S. MILLER, and KEITH S.
SHERIN

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

SJUNDE AP-FONDEN and THE CLEVELAND BAKERS
AND TEAMSTERS PENSION FUND, Individually and on
behalf of all others similarly situated,

Plaintiff

Case Number

vs.

GENERAL ELECTRIC COMPANY, JEFFREY R. IMMELT,
JEFFREY S. BORNSTEIN, JAMIE MILLER, KEITH S.
SHERIN, JAN R. HAUSER, and RICHARD A. LAXER

Defendant

1:17-CV-8457-JMF

IH-32

Rev: 2014-1

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

The initial complaint in Civil Action No. 17-CV-8457 was filed on November 1, 2017 and the case was assigned to The Honorable Jesse M. Furman. After a lead plaintiff was appointed, lead plaintiff filed a third amended complaint on July 25, 2018. Defendants filed a motion to dismiss on September 12, 2018 and that motion is fully briefed. Plaintiffs subsequently filed a fourth amended complaint on October 17, 2018, and according to a Joint Stipulation and Order, Defendants motion to dismiss will apply to the fourth amended complaint.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The plaintiffs in Civil Action No. 17-cv-8457 purport to bring claims on behalf of a class that includes the Plaintiffs here. Plaintiffs here assert only their individual claims and are not seeking to represent a class.

This action, like Civil Action No. 17-cv-8457, asserts claims under the Securities and Exchange Act of 1934 and involves alleged misrepresentations and omissions concerning General Electric Company's ("GE") disclosure of long-term care insurance liabilities and certain "Contract Assets" associated with its power segment. All of the defendants named in this action are also named as defendants in Civil Action No. 17-cv-8457.

In the interest of full disclosure, the present case asserts state law claims and claims based on misrepresentations and omissions relating to GE's acquisition of Alstom SA, and its accounting for the transaction, which are not at issue in Civil Action No. 17-cv-8457. However, similar misrepresentations and omissions are at issue in two class actions filed against GE and others that are currently pending before The Honorable Denise L. Cote (Civil Action Nos. 19-cv-01244-DLC and 19-cv-01013-DLC). Because of this overlap, the present case is also related to the cases before Judge Cote.

Signature: _____

Date: 2/27/2019

Wollmuth Maher & Deutsch LLP

Firm: _____